

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*AFB*  
*JW*

Applicant: Glenn D. Begis

Title: CONTROL OF STREAMING OF SIGNALS IN A LOCAL AREA NETWORK

Docket No.: 884.181US1

Filed: December 22, 1999

Examiner: Liang-Che Wang

Serial No.: 09/470,292

Due Date: May 15, 2005 (Sunday)

Group Art Unit: 2155

**MS Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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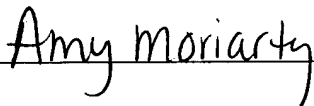
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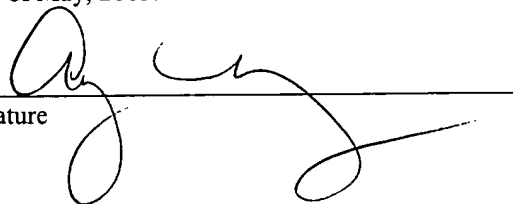
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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

(GENERAL)



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Glenn D. Begis	)	Examiner: Liang-Che Wang
	)	
Serial No.: 09/470,292	)	Group Art Unit: 2155
	)	
Filed: December 22, 1999	)	Docket: 884.181US1
	)	
For: CONTROL OF	)	
STREAMING OF	)	
SIGNALS IN A LOCAL	)	
AREA NETWORK	)	
Assignee: Intel Corporation	)	

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on March 15, 2005, from the Final Rejection of 68-95 of the above-identified application, as set forth in the Final Office Action mailed on December 15, 2004.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of \$500.00 which represents the requisite fee set forth in 37 C.F.R. § 41.2(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

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**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

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### **1. REAL PARTY IN INTEREST**

The real party in interest of the above-captioned patent application is the assignee, Intel Corp., a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and place of business at 2625 Walsh Avenue, Santa Clara, California, 95051.

## **2. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present appeal.

### **3. STATUS OF CLAIMS**

Claims 68-95 are pending in the present application, and stand under Final Rejection. Claims 68-95 were rejected under 35 U.S.C. §103(a), as being anticipated by Beyda et al. (U.S. 6,404,873) in view of Shtivelman (U.S. 6,078,581).

#### **4. STATUS OF AMENDMENTS**

No amendments are pending, and the status of the pending claims is reflected in the attached Appendix I, listing the claims on appeal.

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## **5. SUMMARY OF CLAIMED SUBJECT MATTER**

A data processing system comprises three or more devices interconnected in a local area network. Each of the devices includes multiple source modes identifying other devices to receive data from the source device, and multiple sink modes identifying other devices from which data is to be received. The source modes do not identify devices from which data is to be received, and the sink modes do not identify devices to which data is to be sent.

A streaming controller is operable to select from among the multiple source modes and the multiple sink modes independently of each other for any of the at least three devices. A data streaming connection can thereby be established among certain of the plurality of devices as identified by the selected source and sink modes, such that, during a time period when the connection exists, at least a first of the three devices is adapted to provide data to a second of the devices in the plurality without providing data to a third device in the plurality, and is adapted to receive data from the third device without receiving data from the second device.

## **6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 68-95 were rejected under 35 U.S.C. §103(a), as being anticipated by Beyda et al. (U.S. 6,404,873) in view of Shtivelman (U.S. 6,078,581).

## **7. ARGUMENT**

### ***1) The Applicable Law***

To sustain a rejection under 35 U.S.C. 103, the cited references in combination disclose each element of the claim under consideration. Further, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2143. The Examiner must avoid hindsight. *In re Bond*, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990).

The fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); MPEP § 2143.01.

### ***2) Discussion of the Rejections***

I. Claims 68-95 were rejected under 35 U.S.C. §103(a), as being anticipated by Beyda et al. (U.S. 6,404,873) in view of Shtivelman (U.S. 6,078,581).

Beyda teaches a system for establishing subconference calls within a conference call. This includes a number of terminal devices that can send and receive conference call (voice) data, as well as a data mixer for combining conference call data so everyone in a conference or subconference can hear every other participant, and a data router for routing conference call or subconference call data to everyone in a conference or subconference.

In a subconference call, voice data from the subconference participants is received and combined in the data mixer, and is routed only to those in the subconference (but not necessarily to all those in a conference of which the subconference is a part). The system also supports a second subconference, so that multiple subconferences can be set up at one time, the participants of each subconference receiving a signal from the data mixer including the voices of only the participants for the specific subconference.

Shtivelman is further relied upon to show an Internet call waiting system in which a terminal device user can alternately receive and send data to a first or second of two other terminal device users without sending or receiving data from the other of the first or second of two other users.

In contrast, the invention as recited in the pending claims comprises at least three devices having multiple source modes and multiple sink modes, where the multiple source modes identify other devices to receive data from the device, and the multiple sink modes identify other devices from which data is to be received, such that the source modes do not identify devices from which data is to be received, and the sink modes do not identify devices to which data is to be sent. The terminals of Beyda do not act as such, but are operable to send data only to the data mixer and to receive data only from the data router, as shown and described in conjunction with Figure 2.

Further, the pending claims recite a streaming controller operable to manage the multiple source modes and sink modes for the connected devices to establish a streaming connection among the devices. Beyda does not teach a streaming connection between any two devices, or using source and sink modes to establish a streaming connection between devices, but relies on a central data mixer and router to mix and multicast data for devices participating in a subconference call such as was shown and described in conjunction with Figures 1 and 2, and in the Abstract of Beyda.

Applicant also wishes to briefly point out that Shtivelman does not anticipate any of the elements missing from Beyda as discussed above, and that it has not been argued that Shtivelman anticipates these elements.

Because the claims recite several elements not present in either reference, including multiple source and sink modes for each device and a streaming controller operable to establish a streaming connection between two devices, the pending claims are believed to be patentably distinct from the cited references. The cited references in combination here fail to disclose each element of the claim under consideration, and further lack the teaching or suggestion to make the

claimed combination and the reasonable expectation of success. The desirability of combination of the references is further not explicitly found in either reference, as is required to sustain a 35 U. S.C. §103 rejection citing multiple references. Reversal of the rejection of the pending claims is therefore respectfully requested.

## 8. SUMMARY

For the reasons argued above, claims 68-95 were not properly rejected under 35 U.S.C. §103(a), as elements of the pending claims were not present in either Beyda et al. (U.S. 6,404,873) or in Shtivelman (U.S. 6,078,581).

It is respectfully submitted that the art cited does not render the claim anticipated and that the claims are patentable over the cited art. Reversal of the rejection and allowance of the pending claim are respectfully requested.

Respectfully submitted,

GLENN D. BEGIS


By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

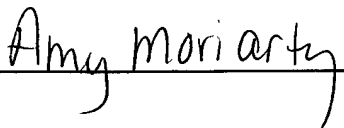
Attorneys for Intel Corporation

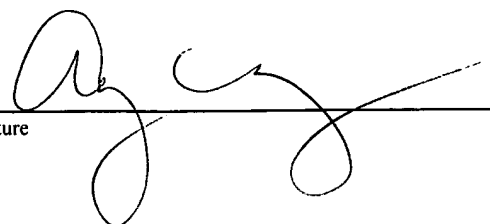
P.O. Box 2938

Minneapolis, Minnesota 55402

Date May 16, 2005 By   
John M. Dahl  
Reg. No. 44,639

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Signature

## **CLAIMS APPENDIX**

1-67. (Canceled)

68. (Previously Presented) A data processing system, comprising:

a plurality of devices interconnected in a local area network, each of at least three of the devices having

multiple source modes each identifying at least one other mutually different device of the plurality of devices to receive data from the each device without identifying any of the devices to provide data to the each device, and

multiple sink modes each identifying at least one other device of the plurality of devices to provide data to the each device without identifying any of the devices to receive data from the each device;

a streaming controller to select among the multiple source modes and the multiple sink modes independently of each other for any of the at least three devices, so as to establish a data streaming connection among certain of the plurality of devices as identified by the selected source and sink modes, such that, during a time period when the connection exists, at least a first of the three devices is adapted to provide data to a second of the devices in the plurality without providing data to a third device in the plurality, and is adapted to receive data from the third device without receiving data from the second device.

69. (Previously Presented) The system of claim 68 where at least one of the source modes for at least one of the at least three devices identifies multiple ones of the plurality of devices to receive streaming data from the each device.

70. (Previously Presented) The system of claim 68 where at least one of the sink modes for at least one of the at least three devices identifies

multiple ones of the plurality of devices to provide data to the each device.

71. (Previously Presented) The system of claim 68 where the at least three devices include a telephone, a computer to perform a data processing function upon the streaming data, and a gateway to an external network.

72. (Previously Presented) The system of claim 71 where the computer includes a source mode (4) identifying the gateway to receive data from the telephone and a sink mode (5) identifying the telephone to provide data to the computer.

73. (Previously Presented) The system of claim 72 where the telephone includes a source mode (5) identifying the computer to receive data from the telephone and a sink mode (1) identifying the gateway to provide data to the telephone.

74. (Previously Presented) The system of claim 72 where the gateway includes a source mode identifying the telephone to receive data from the gateway and a sink mode identifying the computer to provide data to the gateway.

75. (Previously Presented) The system of claim 71 where the telephone includes a source mode identifying both the computer and the gateway to receive data from the telephone and a sink mode identifying both the computer and the gateway to provide data to the telephone.

76. (Previously Presented) The system of claim 75 where the computer includes a source mode (2) identifying the telephone only to receive data from the computer and a sink mode (5) identifying the telephone only to provide data to the telephone.

77. (Previously Presented) The system of claim 75 where the gateway includes a source mode (1) identifying the telephone only to receive data from the computer and a sink mode (3) identifying the telephone only to provide data to the telephone.

78. (Previously Presented) The system of claim 68 where the streaming controller is distributed among multiple ones of the devices.

79. (Previously Presented) The system of claim 68 where the streaming controller is implemented as a discrete unit.

80. (Previously Presented) The system of claim 68 where the controller is adapted to lock the mode of at least one of the plurality of devices.

81. (Previously Presented) The system of claim 68 where the controller includes a semaphore to prevent multiple ones of the plurality of devices from simultaneously changing modes.

82. (Previously Presented) A method, comprising:

for each of at least three devices in a plurality of devices interconnected in a local area network, defining

multiple source modes each identifying at least one other mutually different

device of the plurality of devices to receive data from the each device without identifying any of the devices to provide data to the each device;

multiple sink modes each identifying at least one other device of the plurality of devices to provide data to the each device without identifying any of the devices to receive data from the each device;

selecting among the multiple source modes and the multiple sink modes independently of each other for any of the at least three devices;

establishing a data streaming connection among certain of the plurality of devices as identified by the selected source and sink modes, such that, during a time period when the connection exists, at least a first of the three devices is adapted to provide data to a second of the devices in the plurality without providing data to a third device in the plurality, and is adapted to receive data from the third device without receiving data from the second device.

83. (Previously Presented) The method of claim 82 where at least one of the source nodes for at least one of the at least three devices identifies multiple ones of the plurality of devices to receive data from the each device.

84. (Previously Presented) The method of claim 82 where at least one of the sink nodes for at least one of the at least three devices identifies multiple ones of the plurality of devices to provide data to the each device.

85. (Previously Presented) The method of claim 82 where the streaming data is voice data.

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86. (Previously Presented) The method of claim 82 where at least one of the devices in the at least three devices sends and receives the streaming data to and from an external network.

87. (Previously Presented) The method of claim 82 where at least one of the devices in the at least three devices performs a processing function upon the streaming data.

88. (Previously Presented) The method of claim 87 where the processing function includes one or more of the group comprising

- converting voice data to text data,
- converting text data to voice data,
- translating data to a different language,
- recognizing voice data,
- executing voice commands.

89. (Previously Presented) The method of claim 82 further comprising communicating streaming data among the certain devices.

90. (Previously Presented) The method of claim 89 further comprising locking the mode of at least one of the plurality of devices during the communication.

91. (Previously Presented) The method of claim 89 further comprising preventing multiple ones of the plurality of devices from simultaneously changing modes.

92. (Previously Presented) A computer readable medium having instructions stored thereon to perform a method comprising:

for each of at least three devices in a plurality of devices interconnected in a local area network, defining

multiple source modes each identifying at least one other mutually different device of the plurality of devices to receive data from the each device without identifying any of the devices to provide data to the each device;

multiple sink modes each identifying at least one other device of the plurality of devices to provide data to the each device without identifying any of the devices to receive data from the each device;

selecting among the multiple source modes and the multiple sink modes independently of each other for any of the at least three devices;

establishing a data streaming connection among certain of the plurality of devices as identified by the selected source and sink modes, such that, during a time period when the connection exists, at least a first of the three devices is adapted to provide data to a second of the devices in the plurality without providing data to a third device in the plurality, and is adapted to receive data from the third device without receiving data from the second device..

93. (Previously Presented) The medium of claim 92 where at least one of the source nodes for at least one of the at least three devices identifies multiple ones of the plurality of devices to receive data from the each device.

94. (Previously Presented) The medium of claim 92 where at least one of the sink nodes for at least one of the at least three devices identifies multiple ones of the plurality of devices to provide data to the each device.

95. (Previously Presented) The medium of claim 92 where at least one of the devices in the at least three devices performs a processing function upon the streaming data.

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

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**EVIDENCE APPENDIX**

None

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**RELATED PROCEEDINGS APPENDIX**

None.